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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : William Stuart Somers *et al.* Art Unit : 1646  
Serial No. : 09/903,876 Examiner : M. Pak  
Filed : July 11, 2001  
Title : CRYSTAL STRUCTURE OF ESTROGEN RECEPTOR-BETA COMPLEX AND  
USES THEREOF

**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REPLY TO ACTION OF FEBRUARY 8, 2005

In response to the Office Action mailed February 8, 2005, Applicants request consideration of the following comments.

35 U.S.C. §101

The Examiner maintained the prior rejection of claims 7-13, and further rejected claims 16 and 17, under 35 U.S.C. §101. The Examiner did not consider Applicants' prior arguments, apparently because Applicants did not provide the Examiner a copy of the Trilateral report. Applicants do not believe that they have the burden of providing a copy of the Trilateral report to the Examiner, at least because the U.S.P.T.O. itself published the Trilateral Report. Applicants ask that the Examiner obtain a copy of the Trilateral report from the U.S.P.T.O. website at [http://www.uspto.gov/web/tws/wm4/wm4\\_index.htm](http://www.uspto.gov/web/tws/wm4/wm4_index.htm).

In view of the arguments Applicants' previously presented, Applicants request reconsideration and withdrawal of the rejection under 35 U.S.C §101.

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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